

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Eric Lamonte Harrell

Docket No. 5:99-CR-83-1F

Petition for Action on Supervised Release

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Eric Lamonte Harrell, who, upon an earlier plea of guilty to Distribution of Cocaine Base (Crack) in violation of 21 U.S.C. §841(1)(1), and Discharging a Firearm During and in Relation to a Drug Trafficking Offense and Aiding and Abetting in violation of 18 U.S.C. §924(c)(1)(A)(iii) and 18 U.S.C. §2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on February 22, 2000, to the custody of the Bureau of Prisons for a term of 207 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

On March 19, 2001, per Rule 35, the judgment was amended to reduce the term of imprisonment to 156 months. On April 25, 2008, pursuant to 18 U.S.C. §3582(c)(2), the court further reduced the term of imprisonment to 150 months. Eric Lamonte Harrell was released from custody on March 19, 2010, at which time the term of supervised release commenced. On October 20, 2010, as a sanction for illegal drug use and delinquency on fine payments, the conditions of supervised release were modified to add a 2-day jail term and a DROPS condition.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 13, 2013, the defendant was charged with Driving While Impaired in Robeson County. The defendant admitted that he operated a motor vehicle after consuming alcohol and that his blood

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alcohol level was above the legal limit. In so doing, the defendant committed a criminal violation as well as violated his alcohol abstinence condition. We recommend modifying the conditions of supervised release to add a 6-day jail term. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard
Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 12, 2013

ORDER OF COURT

Considered and ordered this 13^a day of June, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge